

United States District Court

for

Middle District of Alabama

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

Name of Offender: Daniel Marlin Jones

Case Number: 1:07CR38-RAH

Name of Sentencing Judicial Officer: The Honorable W. Harold Albritton, Senior U.S. District Judge; case reassigned to The Honorable R. Austin Huffaker, U.S. District Judge

Date of Original Sentence: November 14, 2007

Original Offense: Count 1: Interference with Commerce by Robbery, 18:1951(a); Count 2: Brandishing a Firearm During a Crime of Violence, 18:924(c)(1)(A)(ii); and Count 3: Felon in possession of a firearm, 18:922(g)(1)

Original Sentence: 121 months custody (37 months on each of Counts 1 and 3, to be served concurrently with each other, and 84 months custody on Count 2, to be served consecutively to Counts 1 and 3), followed by a 5 year term of supervised release (5 years on Count 2 and 3 years on each of Counts 1 and 3, all such terms to run concurrently); **revoked on September 9, 2020**: 12 months and 1 day custody followed by a 12-month term of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: October 4, 2020

PETITIONING THE COURT

☐ To extend the term of supervision for _____ years, for a total term of _____ years.

☒ To modify the conditions of supervision as follows:

You shall participate in a mental health treatment program approved by the United States Probation Office. You shall contribute to the cost of any treatment based on ability to pay and the availability of third-party payments.

You shall participate in a program approved by the United States Probation Office for substance abuse, which may include testing to determine whether the defendant has reverted to the use of drugs. You shall contribute to the cost of any treatment based on ability to pay and the availability of third-party payments.

CAUSE

On November 23, 2020, Daniel Jones met with the probation officer and submitted to an oral drug screen. While Jones was taking the drug screen, he admitted to the probation officer that he used marijuana on November 17, 2020. The probation officer inquired about Jones' reason for using marijuana. Jones stated that he was visiting his cousins and they were smoking marijuana. Jones advised that he made a poor decision to smoke marijuana with his cousins. The probation officer reminded Jones that his terms of supervised release prohibit him from associating with people who are engaged in criminal activity and using illegal substances. Jones denied having a substance abuse problem and he does not believe that he would benefit from drug treatment.

RE: Jones, Daniel Marlin
Dkt. # 1:07cr38-RAH
PROB 12B

December 2, 2020, the probation officer spoke with Jones about his positive drug screen and his upcoming court date on December 30, 2020, in the Municipal Court of Montgomery, Alabama, regarding his pending domestic violence charge. The domestic violence incident occurred during Jones' first term of supervised release. Jones denies the details regarding the incident and claims that he was the victim. Based on Jones' history and the circumstances surrounding the incident, the probation officer thinks that Jones will benefit from receiving a mental health evaluation, and treatment if recommended by the provider. Given Jones' recent use of marijuana and his prior history of using illegal substances, it is also recommended that Jones participate in a substance abuse assessment, and treatment if recommended by the provider. Jones has agreed to participate in a substance abuse evaluation and a mental health evaluation, and any treatment recommended as a result of the evaluations. Jones' drug testing will be increased, and the substance abuse and mental health evaluations will be scheduled if the Court orders the above-noted modification of the conditions of supervised release. Jones was informed by the probation officer that a future positive drug screen can be used as grounds for revocation. Jones agreed to the proposed modification of his conditions of supervised release and executed Probation Form 49 waiving his right to a hearing. It is respectfully recommended that Your Honor order the modification as noted above in order to provide Jones with any needed treatment and to assist him in successfully completing his term of supervised release.

Respectfully submitted,

by /s/ Marcus Simmons
Senior United States Probation Officer

Date: December 10, 2020

Reviewed and approved by: /s/ Ellen S. Traywick
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action.
- ☐ The Extension of Supervision as noted above.
- ☒ The Modification of Conditions as noted above.
- ☐ Other

/s/ R. Austin Huffaker, Jr.
UNITED STATES DISTRICT JUDGE

December 11, 2020
Date